

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
5/5 Forrest Road, SMC Wentworth
Road
1809 Forrest Road
9th Election District
6th Councilmanic District
Rita M. Raab
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-489-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Rita M. Raab for that property known as 1809 Forrest Road in the Harford Park Subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 ft., in lieu of the required 25 ft.; from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) in the side yard, in lieu of the rear yard; and from Section III.C.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow a 6 ft. privacy fence on a corner, in lieu of the required 42 inches. All of the requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

As indicated above, this matter comes before me as a Petitioner for Administrative Variance which does not mandate a public hearing. The Petitioner has filed the supporting affidavits and information as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property has been posted, and there has been no request for a public hearing.

Additionally, the Zoning Office staff has provided me with information relative to the site and the surrounding properties. This information has enabled me to clearly understand the nature of the requested relief and issue a decision without the necessity of a public hearing.

Further, it is noted that a letter has been received from John Leyhe, who resides next door at 1812 Wentworth Road. Mr. Leyhe's letter indicates that he does not write in opposition to the Petition. For all of these reasons, a decision shall be rendered based upon the documentation presented and without the necessity of a public hearing.

According to the information presented, the subject site is 6,608 sq. ft. in area and is zoned D.R.5.5. The property is improved by an existing dwelling, pool and shed. The configuration of the lot is unusual in that it is situated at the corner of the intersection of Forrest Road and Wentworth Road. Although the property bears a Forrest Road address, the house actually fronts Wentworth Road. This unusual orientation of the house requires the Petitioner to seek the front yard setback variance and the variance to permit a pool in the side yard. That is, if the house faced Forrest Road, the pool would be located in the rear yard, as required, and a sufficient setback distance would exist. Clearly, based on this unusual configuration of the lot, the Petitioner has met its burden as required by Section 307 of the B.C.Z.R. and the granting of the variance is justified.

As to the fence, it is located adjacent to the pool and separates that area from Mr. Leyhe's property. The Petitioner requests that an increased height to 6 ft. be permitted in order to promote safety concerns. These concerns are legitimate and convince me that the extra height variance for the fence should also be granted.

Further, an additional comment is in order regarding the concerns expressed in Mr. Leyhe's letter. The method of construction of the fence and the adjacent sidewalk are not issues before me and I do not have the authority to address those concerns within this Order. However, I can and

-2-

will require that the fence be constructed in accordance with the building code. In fact, I shall incorporate as a restriction, in my Order granting this variance, that the Zoning Advisory Committee comment issued by the Developers Engineering Division require that certain specifications be met as they apply to the fence's construction. A copy of that comment and the specification shall be attached hereto and incorporated within this Order.

Further, I note the Zoning Advisory Committee comment from the Bureau of Traffic Engineering. That comment states that "the proposed fence needs to be located so as not to obstruct vision." Although that comment is not specific, it is no doubt intended to prevent impairment of vehicular traffic at this intersection. Pursuant to my review of the site plan, photographs, etc., I am convinced that the fence at the proposed location will not interfere with traffic.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts to supply a finding that the Petitioner has complied with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1992 that the Petition for a Zoning Variance from Section 1802.3.B of the Baltimore County Zoning Regulations

-3-

(B.C.Z.R.) to permit a front yard setback of 17 ft., in lieu of the required 25 ft., be and is hereby GRANTED; and,

IT IS HEREBY ORDERED that a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) in the side yard, in lieu of the rear yard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section III.C.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow a 6 ft. privacy fence on a corner, in lieu of the required 42 inches, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC) from Developers Engineering Division, dated July 6, 1992, which are adopted in their entirety and made a part of this Order.

LES:mmn

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 29, 1992

Mrs. Rita M. Raab
1809 Forrest Road
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 92-489-A
Rita M. Raab, Petitioner

Dear Mrs. Raab:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Mr. John E. Leyhe
1812 Wentworth Road
Baltimore, Md. 21234
cc: Zoning Enforcement Office
County Office Building, Room 109

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 ft., in lieu of the required 25 ft.; from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) in the side yard, in lieu of the rear yard; and from Section III.C.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow a 6 ft. privacy fence on a corner, in lieu of the required 42 inches.

SEE ATTACHED.

of the Zoning Regulations of Baltimore County for the following reasons: (attach listing or printed affidavit)

1. House was built to front Wentworth Road instead of Forrest Road.
2. Inground pool was constructed in 1973 under permit #50654 R.S.
3. Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Property is to be advertised under posted as provided by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Continued Petitioner

Type or print name

Address

City

State

Zip

Signature

Date

Address

City

State

Zip

Signature

Date

Address

City

State

Zip

Signature

Date

Address

City

State

Zip

Legal Owner(s)
Rita M. Raab
Edward R. Raab Jr. (Daughter)

Address
1809 Forrest Rd
Baltimore MD 21234

City
Baltimore MD 21234

State
Baltimore MD 21234

Zip
Baltimore MD 21234

Signature
Edward R. Raab Jr. (Son)

Date
1809 Forrest Rd 661-7565

Address
1809 Forrest Rd 661-7565

City
Baltimore MD 21234

State
Baltimore MD 21234

Zip
Baltimore MD 21234

Signature
Edward R. Raab Jr. (Son)

Date
1809 Forrest Rd 661-7565

Address
1809 Forrest Rd 661-7565

City
Baltimore MD 21234

State
Baltimore MD 21234

Zip
Baltimore MD 21234

Signature
Edward R. Raab Jr. (Son)

Date
1809 Forrest Rd 661-7565

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe and swear to the truth thereof in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1809 Forrest Rd
Baltimore MD 21234

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (attach listing or printed affidavit)

House was built to front Wentworth Road instead of Forrest Road.

Inground pool was constructed in 1973 under permit number 50654 R.S.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

1802.3.B (1945 B.C.Z.R. amended through March 30, 1955 - approved plat September 4, 1953)

Section III.C.3 To allow a front yard setback of 17 ft in lieu of the required 25 ft.

Section I.1 To allow a pool in the side yard in lieu of the rear yard.

Section III.C.7 To allow a 6 ft. high privacy fence on a corner lot in lieu of the required 42 inches.

HARDSHIPS:

1. House was built to front Wentworth Road instead of Forrest Road.
2. Inground pool was constructed in 1973 under permit number 50654 R.S.
3. Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

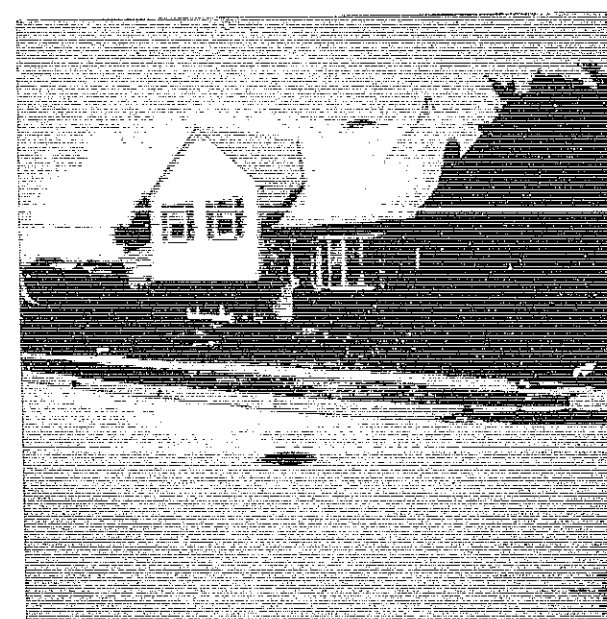
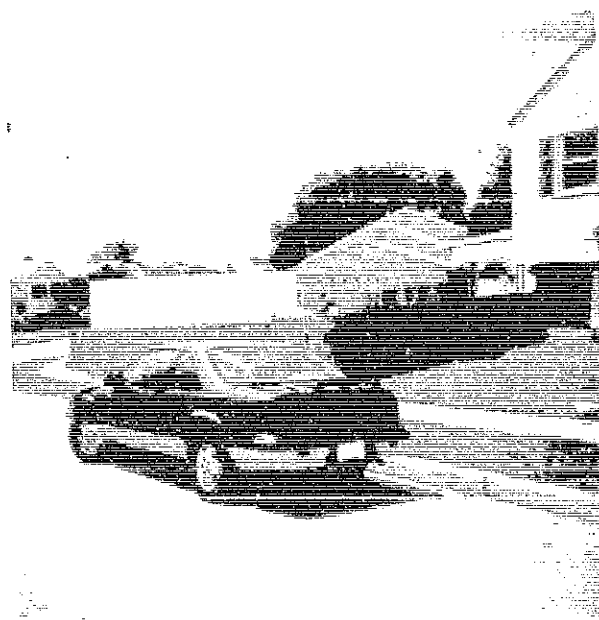
j:aw

ORDER RECEIVED FOR FILING
Date 8/1/92
By Mr. D. J. Smith

514

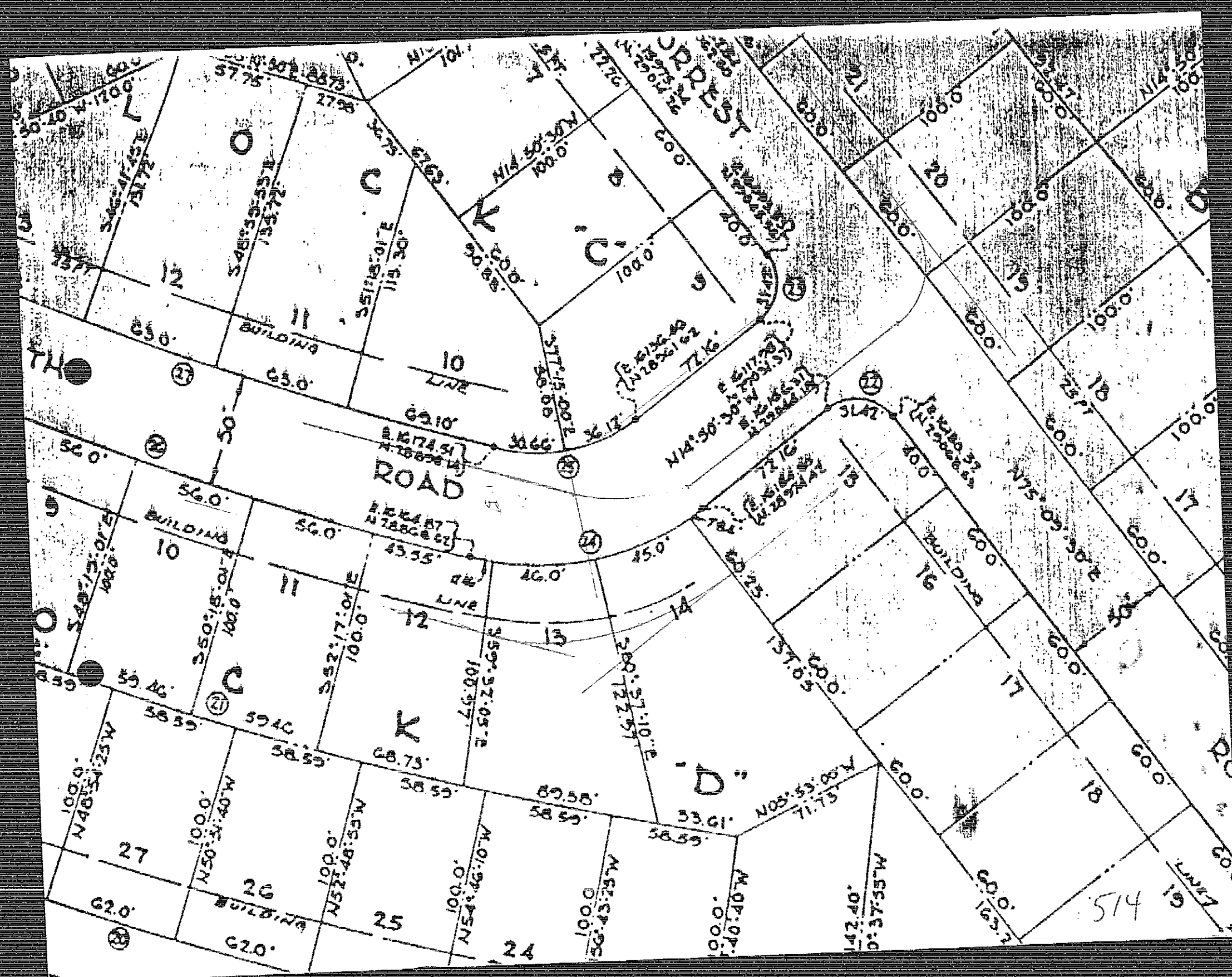
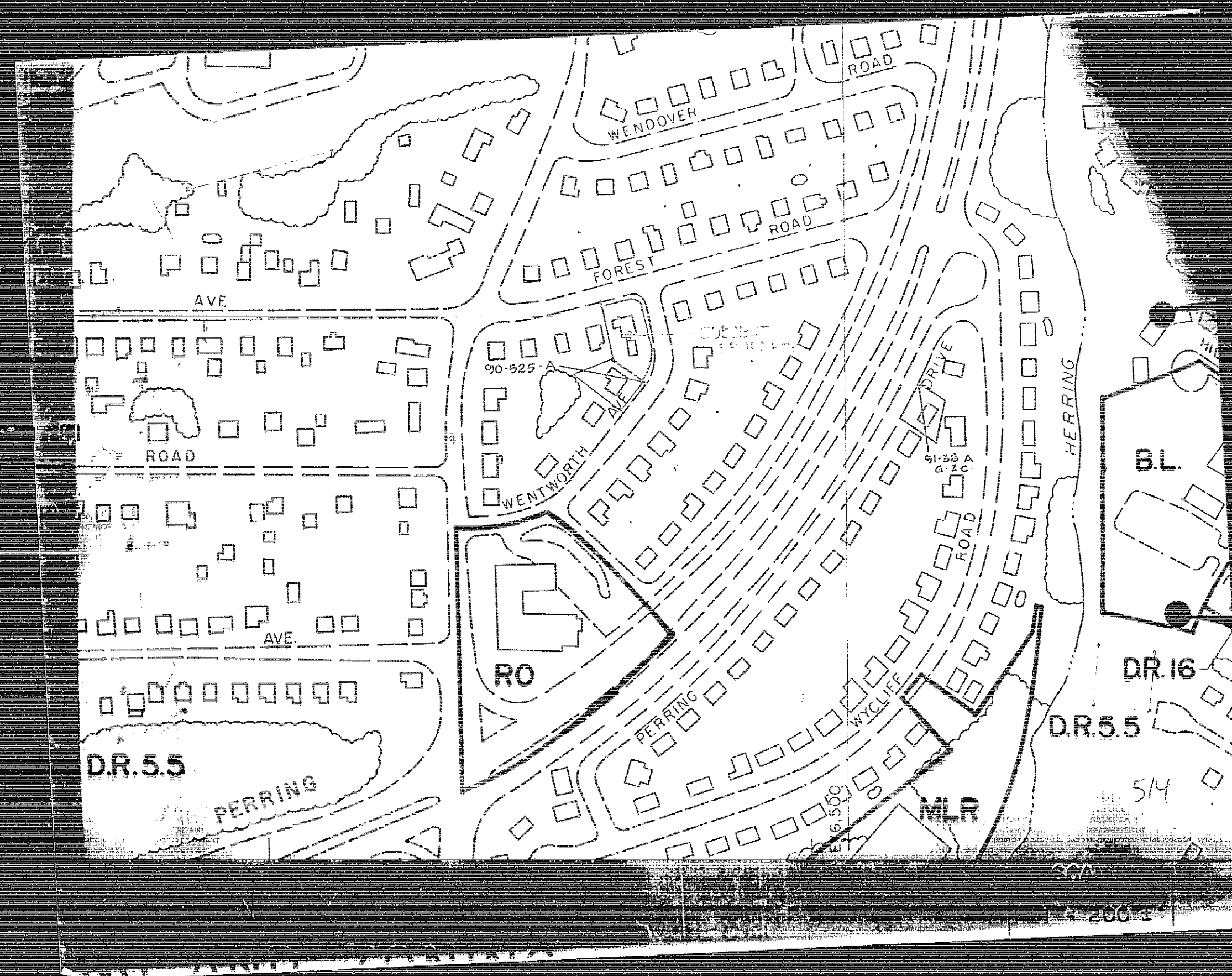
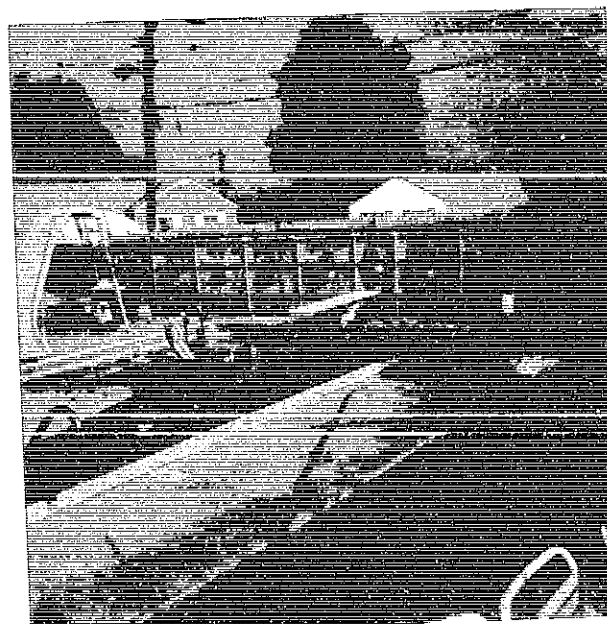
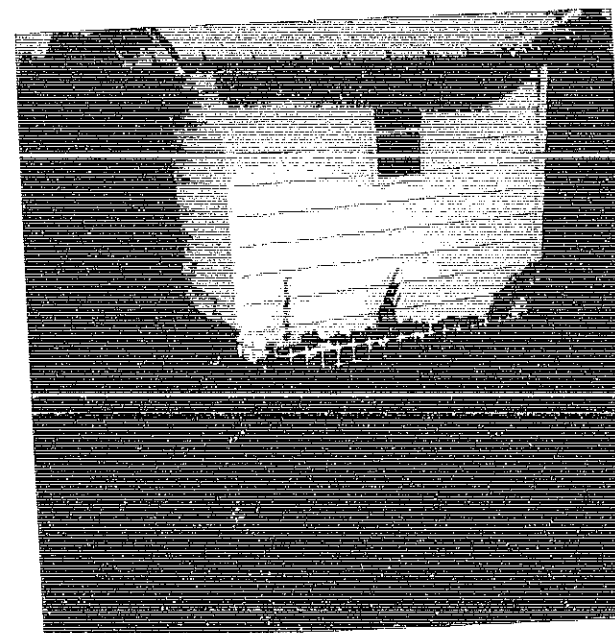
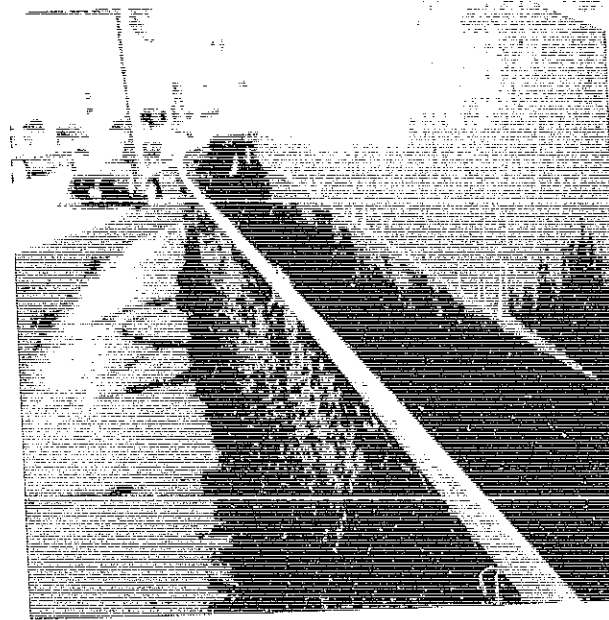
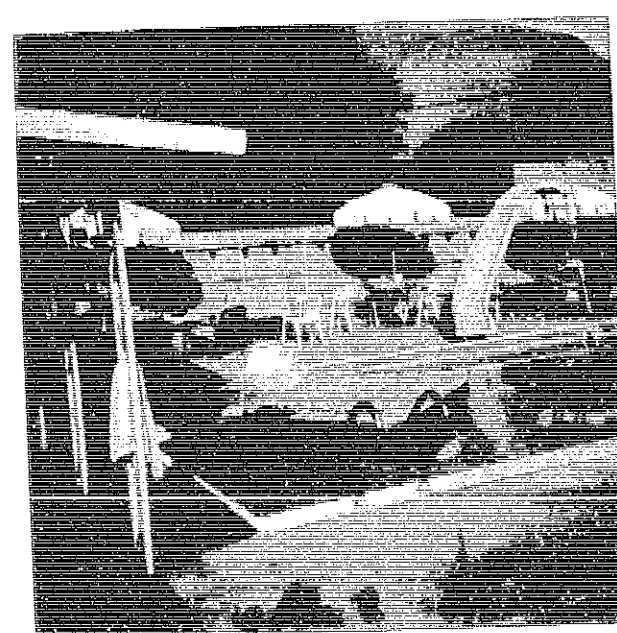
92-489-A

514



92-489-A

514



6709-92
7/1/92
8

Department of Recreation and Parks
Development Review Committee Response
Author: [Signature]
Date: 7/6/92

Project Name: Rita M. and Edward R. Raab, Sr.
File Number: 514
Zoning Issue: No Comment
Meeting Date: 6-24-92

DED DEPRM RE SITE
Jettie J. and Deanna L. Deegan
523
No Comment

DED DEPRM RE SITE
Charles M. and Virginia H. Logan
524
No Comment

DED DEPRM RE SITE
Hoschelt and Ruth Folsom
525
No Comment

DED DEPRM RE SITE
Franklin G. and Patricia M. Mull
526
No Comment

DED DEPRM RE SITE
RMS NORFOLK, INC.
527
No Comment

DED DEPRM RE SITE
Juanita L. Gottrell
529
No Comment

DED DEPRM RE SITE
The Middle River Baptist Church
530
No Comment

DED DEPRM RE SITE
Neville G. and Joann R. Olsen
531
No Comment

DED DEPRM RE SITE
Michael J. and Eugenia G. Zavodny
532
No Comment

DED DEPRM RE SITE
Baltimore County - Southwestern Bell Mobile Systems
533
No Comment

DED DEPRM RE SITE
533
No Comment

CONT 11

6700-92
7/1/92
8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: July 6, 1992

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
for July 6, 1992
Item 514

RE: The Developers Engineering Division has reviewed the subject zoning item. We recommend the use of the attached specifications for the fence.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:6
Encl.

RECEIVED
JUL 7 1992
ZONING OFFICE

ORDER RECEIVED FOR FILING
7/1/92
By: [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
September 10, 1992

Mrs. Rita M. Raab
1809 Forrest Road
Baltimore, Maryland 21234

RE: CASE NO. 92-489-A
1809 FORREST ROAD
9TH ELECTION DISTRICT

Dear Mrs. Raab:

Enclosed is a copy of the Zoning Commissioner's Order of July 30, 1992. In addition, you will find a copy of the comments dated July 6, 1992 from the Developer's Engineering Division as to the "recommended" fence. After reviewing the Zoning Commissioner's Order, it is noted that you must comply with the comments submitted by that division (Restriction No. 2).

After carefully reading the entire Zoning Order, there is a comment by Zoning Commissioner Lawrence E. Schmidt, that he does not have the authority to address the method of construction of your fence in this "Order". But my reading of his decision does, in fact, impose such an action. Therefore, in order to totally resolve this difference, I have been instructed by Director Arnold Jablon that you should communicate in writing to Zoning Commissioner Lawrence E. Schmidt as to this issue.

Joseph Nolan, Assistant County Building Engineer, commented after we both reviewed the Zoning Commissioner's decision, that it is a zoning, not a building issue.

The Enforcement Division will withhold further action as to your property pending a reply from the Zoning Commissioner.

Sincerely,
James H. Thompson
Zoning Enforcement Coordinator

JHT:cer
Enclosure

cc: Joseph Nolan - Assistant Building Engineer
Inspector Timothy Pitts

92-489-A

ZONING ENFORCEMENT
Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner
June 10, 1992

FROM: James H. Thompson - TLF
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 514
PETITIONER: EDWARD R. RAAB

VIOLATION CASE: # C92-2238
LOCATION OF VIOLATION: 1809 FORREST ROAD
BALTIMORE, MARYLAND 21234

DEPENDANT: EDWARD R. RAAB
RITA M. RAAB

ADDRESS: SAME

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
JOHN LEVINE - 1812 WENTWORTH ROAD BALTIMORE, MARYLAND 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TF/cer

92-489-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
June 24, 1992
(410) 887-3353

Edward and Rita Raab
1809 Forrest Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 92-489-A
LOCATION: 5/5 Forrest Road, 9th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before July 5, 1992. The closing date is July 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

cc: John Levine

NOTED JUL 29, 1992 TO: MR. LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
BALTO. COUNTY

Page 1 of 2

DEAR SIR,

I AM WRITING YOU THIS LETTER IN RESPONSE TO A ZONING NOTICE (CASE NO. 92-489-A) 1809 FORREST ROAD.

THIS IS NOT A LETTER FOR PETITION AGAINST, BUT WOULD LIKE TO HAVE A FEW THINGS FIXED DEALING WITH THE CASE.

I AM WORRIED ABOUT THE WAY THE FENCE STRUCTURE WAS INSTALLED AND THE SIDE WALK THAT WAS TORN UP WHEN THE ADDITION WAS ADDED ON TO THE POOL.

THE SIX FOOT FENCE THAT WAS INSTALLED IS ONLY SECURED BY SMALL CLAMPS AND SCREWS. I'M WORRIED THAT IF THE WIND PICKS UP OR WE HAVE A STORM AND AS HIGH AS THE STRUCTURE IS OFF THE GROUND, THAT THE FENCE PANELS WILL BLOW APART.

THE OTHER PROBLEM IS WHERE THE CONCRETE WAS TORN UP BY USING HEAVY EQUIPMENT THE OWNERS-SON USED TO PUT THE ADDITION ON TO THE POOL.

RECEIVED
JUL 29 1992
ZONING OFFICE

Page 2

THERE IS A BIG SECTION OF SIDE-WALK FACING MY STREET (WESTWORTH RD) THAT WAS TORN UP WHEN THE ADDITION WAS ADDED. I WOULD LIKE TO HAVE THE SIDEWALK FIXED SO NONE OF MY SONS GET HURT OR ANY BODY ELSE.

SINCE THE ADDITION HAS BEEN ADDED, MY SONS ARE OFF OF THEIR PROPERTY ONTO MY SIDE WALK WHENEVER IT RAINS OR THEIR POOL IS BACK WASHED.

I DO NOT WANT ANYONE GETTING HURT FROM THIS PROBLEM.

I WOULD APPRECIATE IF YOU CAN HELP ME SETTLE THIS MATTER IN A QUICK AND EFFICIENT MANNER SO NO ONE GETS INJURED OR ANY PROPERTY DAMAGE IS DONE.

THANK YOU,
JOHN LEVINE John Levine
1812 WENTWORTH RD.
BALTO. MD. 21234

P.S. (WILL YOU PLEASE KEEP ME INFORMED ON THIS PROBLEM).
THANK YOU AGAIN.

92-489-A

To: Hearing Officer
From: Larry Schmidt
Subject: Raab Property Item 514
Date: 6/19/92

- This property is subject of violation C-92-2238
- Pictures were not submitted, nor was aerial photo.
- Zoning staff assisted in drawing plat, per request of Arnold Jablon. Plat drawn up from measurements supplied by applicant
- Subject property also a subject of building code violation not yet assigned (See Nolan)
- Research revealed neighboring property 1812 Wentworth Rd was subject of hearing 90-525-A side yard setback of 5' or less 97', Rear yard 12' or less of 20' for a garage addition. Pictures in case file show situation well.
- Combining plats from both files (attached) shows angle of houses & streets more accurately than plat. Fences and front yard are highlighted.
- Attached is building permit B125727 for

92-489-A

92-489-A

APPLICATION FOR BUILDING PERMIT

PERMIT #: B125727 CONTROL #: MK DIST: 09 PREC: 06

LOCATION: 1812 WENTWORTH RD
SUBDIVISION: HARFORD PARK
TAX ASSESSMENT #: 0918472520

OWNERS INFORMATION
NAME: LEYHE, JOHN E. AND RONDA L.
ADDR: 1812 WENTWORTH RD, BALTIMORE, MARYLAND 21234

APPLICANT INFORMATION
NAME: JOHN LEYHE
COMPANY:
ADDR1: 1812 WENTWORTH RD
ADDR2: BALTIMORE, MARYLAND 21234
PHONE #: 882-9541 LICENSE #: 278

NOTES
DDP/JAB

TRACT: BLOCK:
PLANS: CONST 0 PLAT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
TENANT: OWNER
CONTR: OWNER
ENGR: SELCR
WORK: ERECT 6 FT WOODEN FENCE ON SIDE AND REAR OF PROPERTY (206LF) AND ERECT 42" WOODEN FENCE ON FRONT OF PROPERTY (22 LF). ANY FENCE ERECTED WITHIN AN EASEMENT, MUST BE REMOVED AT OWNERS EXPENSE, IF REQUIRED. CANNOT FENCE IN WALKWAY EASEMENTS. (228 LF)

PROPOSED USE: SPD AND FENCE
EXISTING USE: SPD
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 3,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - RESIDENTIAL
FOUNDATION: BASEMENT:
SEWER: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

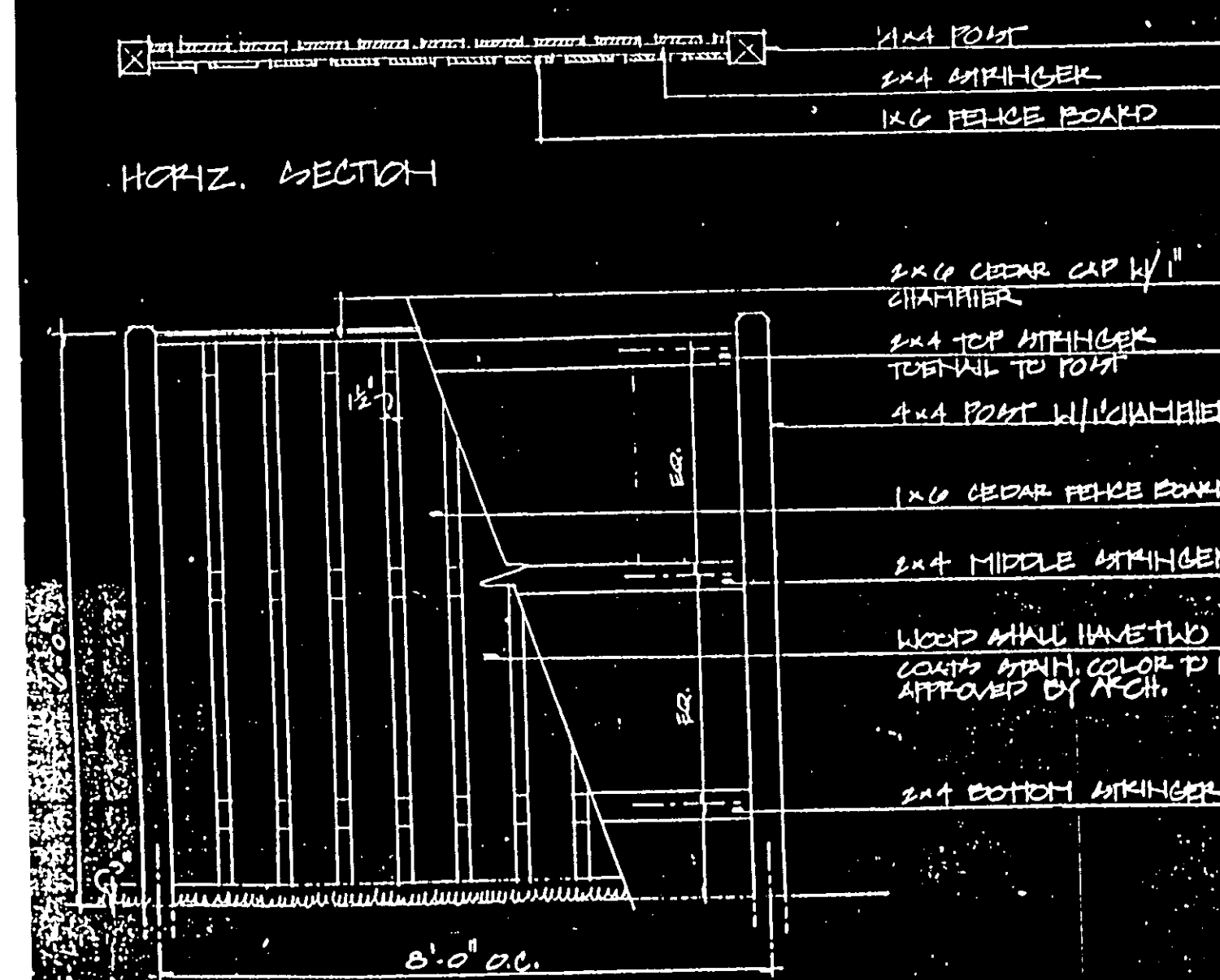
SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

INQ DATE 04/24/92 OFFICE OF ASSESSMENTS INQUIRY (1) TIME 11:33:29
PROPERTY NO. 09-18-002220 DIST 09 GROUP 04 CLASS HL 000000 DEL F/M DATE 11/09/89
RAAB EDWARD R PRIMARY DESC... D HARFORD PARK 92-489-A
RAAB RITA M SUPPLEMENTAL DESC...
01809 FORREST RD IMPRV ADDRESS 01809 FORREST RD SS
BALTIMORE MD 21234 NEAREST INTER...
STRUCTURE... X41-15---G STATE CODE..

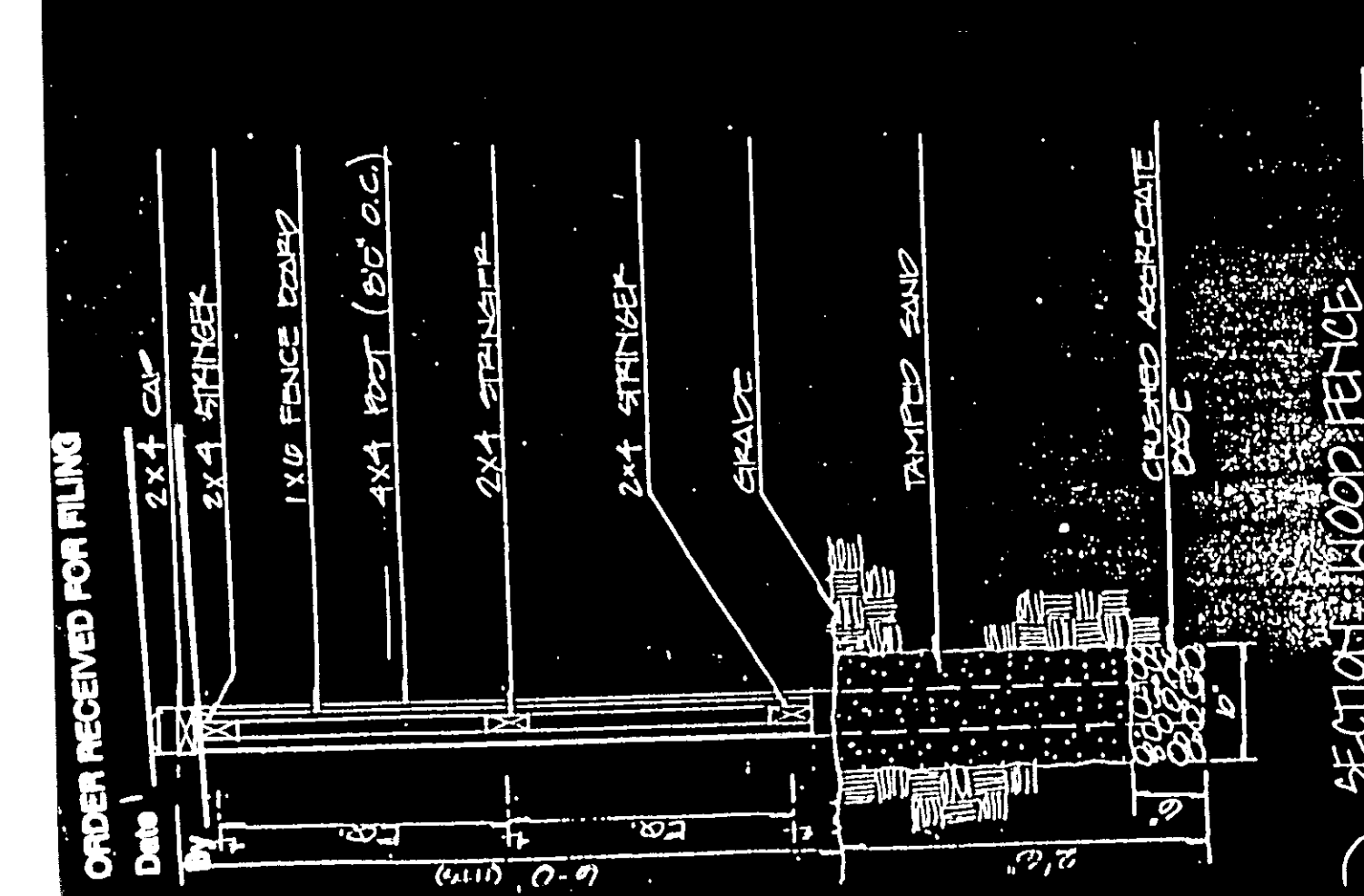
LOT... 0009	MAP... 080	FRONT... 55.71	TRANSFER DATE... / /
BLOCK... 00C	BLOCK... 06	BACK... 58.08	TRANSFER NO...
SECTION... 00B	PARCEL... 00125	SIDE1... 100.00	PURCHASE PRICE *****
PLAT... 00B	LIBER... 3443	SIDE2... 123.99	GROUND RENT... *****
BOOK... 19	FOLIO... 0382	FORMER OWNER...	
FOLIO... 044	CONST YR	SQ FT LOT...	6,216 (M)
FULL VALUE	LAND	IMPRV	PREF-LAND CURTILAGE
CURRENT	17,120	58,140	0
PROPOSED	26,100	73,570	0
*****BASIS****	YRMO	TAX LAND	TAX IMPRV
92/93 ASSESSMT	9111	0	39,860
91/92 ASSESSMT	9011	0	36,610
90/91 ASSESSMT	8909	0	34,080

EX LAND EX IMPRV BLIND
0 0 0
0 0 0
0 0 0

ITEM # 514



5 ELEVATION + PLAN - WOOD FENCE
NO SCALE



Plat to Accompany Petition for Zoning Variance #408
for 1812 Wentworth Road

Vicinity Map
Taylor Avenue
Forest Road
Wentworth Road
1812 WENTWORTH RD
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

Site - 8,308 sq ft
1.91 Ac
Is not within Chesapeake Bay Critical Area
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE BEING KNOWN & DESIGNATED AS LOT 10, BLOCK 1C, ON PLAT 15 HARFORD PARK, RECORDED IN BALTO. CO. IN PLAT BOOK 13/61.
Zoning map NE 8C
Scale 1"=20'
REC. NO. 1730
App. by Planning Aug 4, 1993.

W. T. SADLER
Surveyors
507 MAIN STREET
REISTERSTOWN, MD.
21156

STATE OF MARYLAND
COUNTY OF BALTIMORE
W. T. SADLER
Surveyors
507 MAIN STREET
REISTERSTOWN, MD.
21156

LOCATION SURVEY
1812 WENTWORTH ROAD
9th ELEC. DIST., BALTO. CO., MD.
4th Census DIST.
SCALE 1"=20' DATE 7-9-1996 APP. NO. 5-19476

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 1809 FORREST RD, 21234
SUBJECT: HARFORD PARK
SUBJECT: 1809 FORREST RD, 21234
OWNER: RITA RAAB
FENCE(S)
RAAB FRONT YARD
LEYHE FRONT YARD
FORREST RD (50' R/W)
WENTWORTH RD (50' R/W)
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

LOCATION INFORMATION
Commuter District: 6
Election District: 9
1"=20' scale map: NE 8C
Zoning: DR 5.5
Lot size: 10,608 square feet
Chesapeake Bay Critical Area: 10,608 square feet
Prior Zoning Hearings: 10,608 square feet

Zoning Office USE ONLY
reviewed by: ITEM 514
date: 6-9-92
prepared by: REG. 514

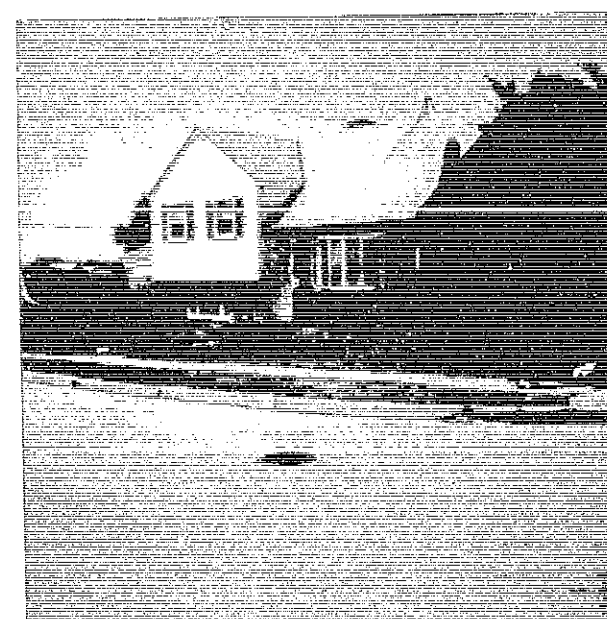
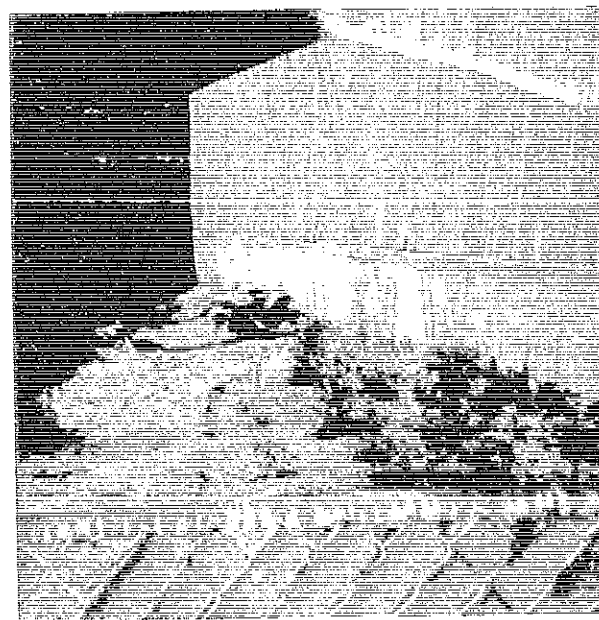
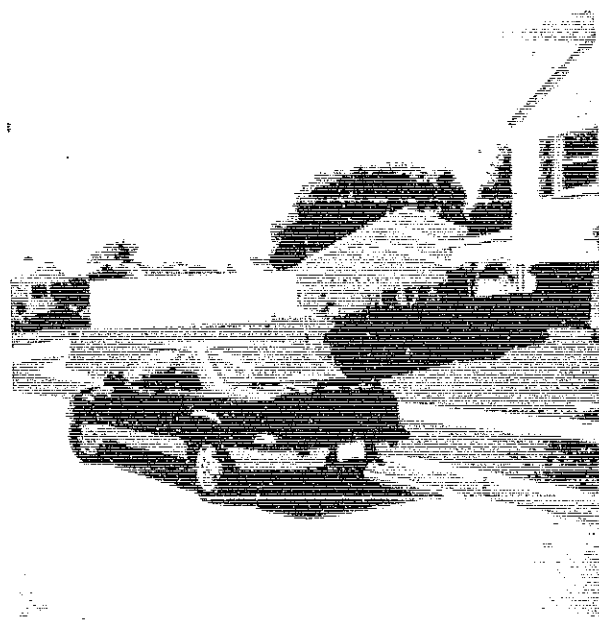
Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 1809 FORREST RD, 21234
SUBJECT: HARFORD PARK
SUBJECT: 1809 FORREST RD, 21234
OWNER: RITA RAAB
FENCE(S)
RAAB FRONT YARD
LEYHE FRONT YARD
FORREST RD (50' R/W)
WENTWORTH RD (50' R/W)
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

LOCATION INFORMATION
Commuter District: 6
Election District: 9
1"=20' scale map: NE 8C
Zoning: DR 5.5
Lot size: 10,608 square feet
Chesapeake Bay Critical Area: 10,608 square feet
Prior Zoning Hearings: 10,608 square feet

Zoning Office USE ONLY
reviewed by: ITEM 514
date: 6-9-92
prepared by: REG. 514

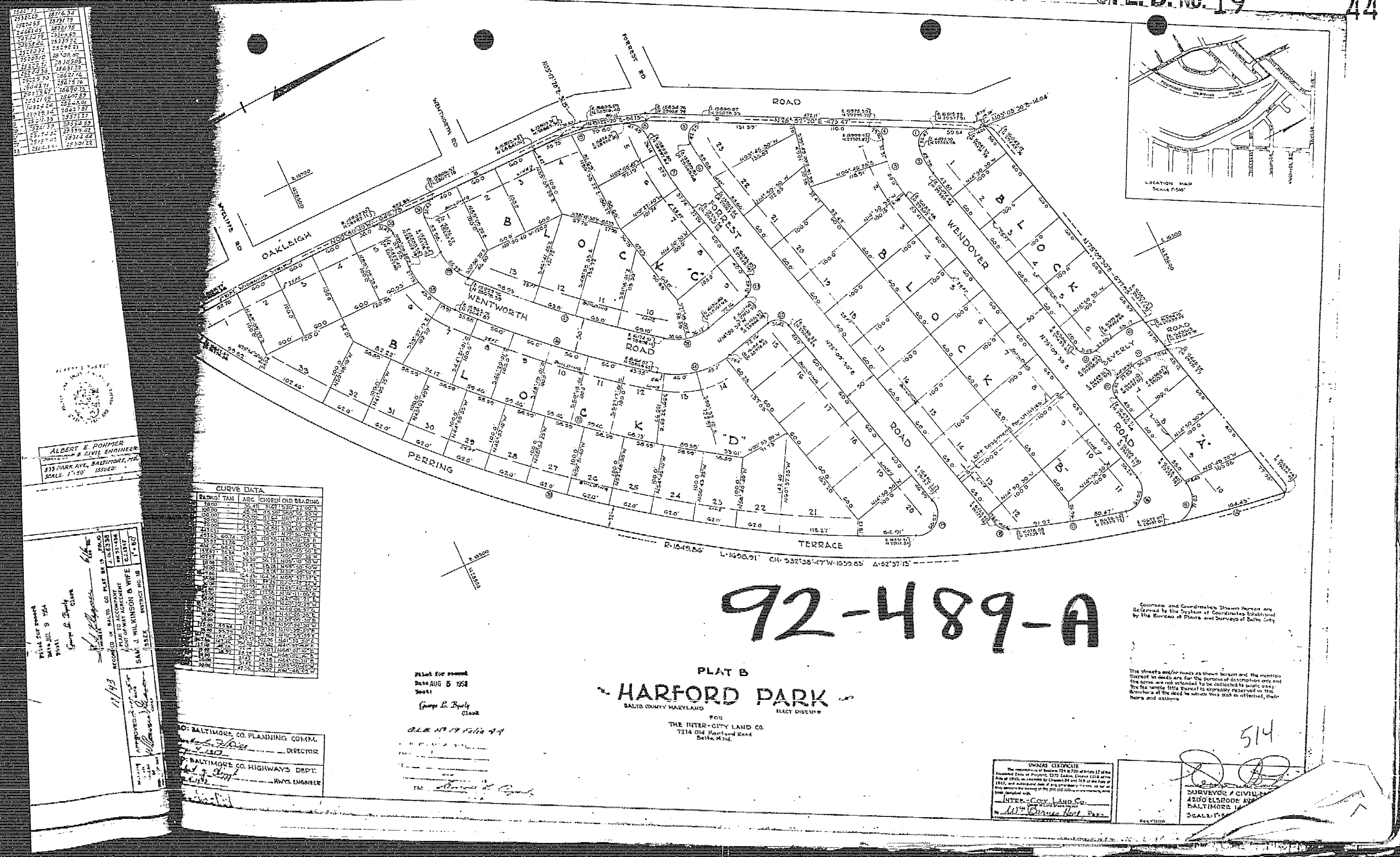
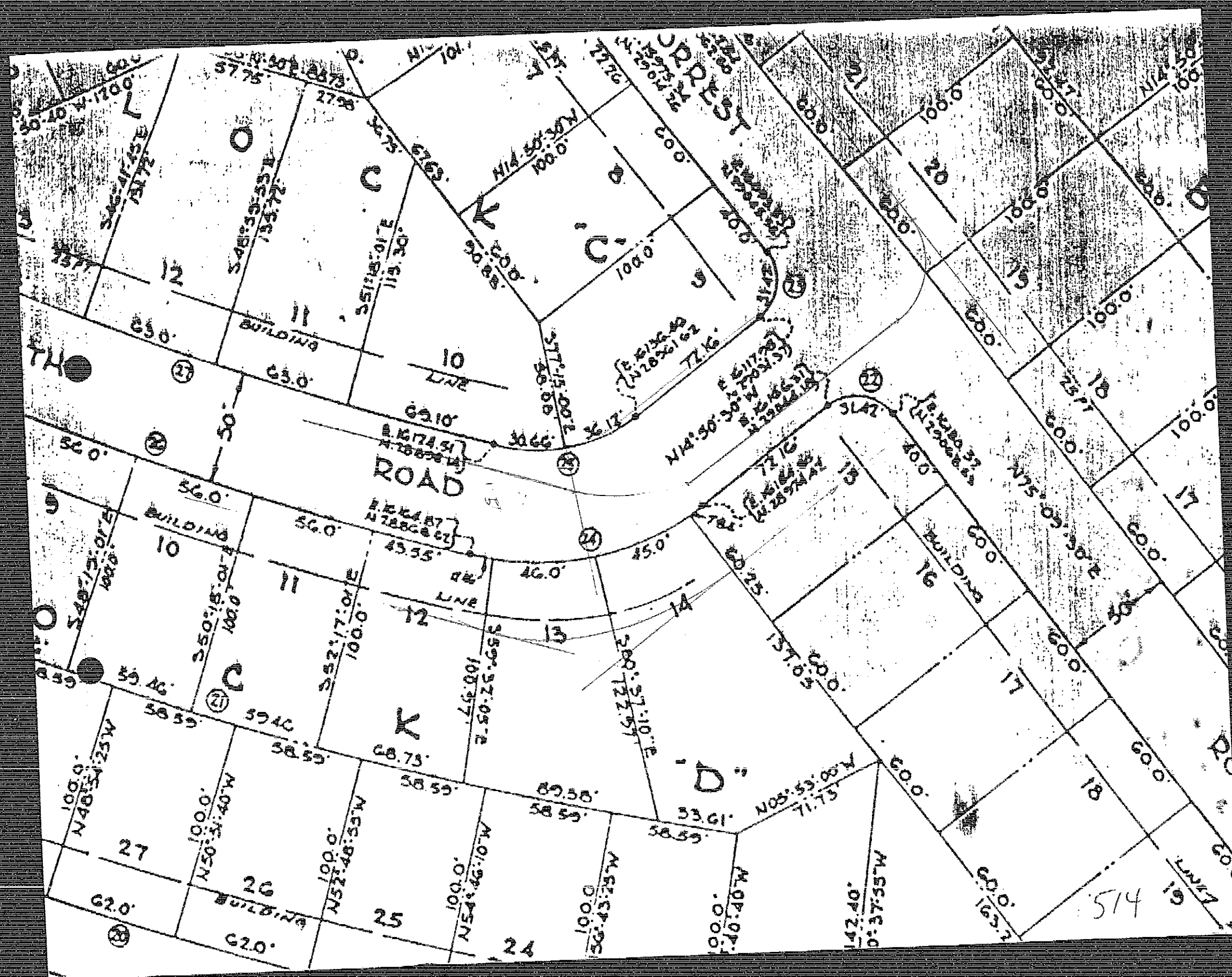
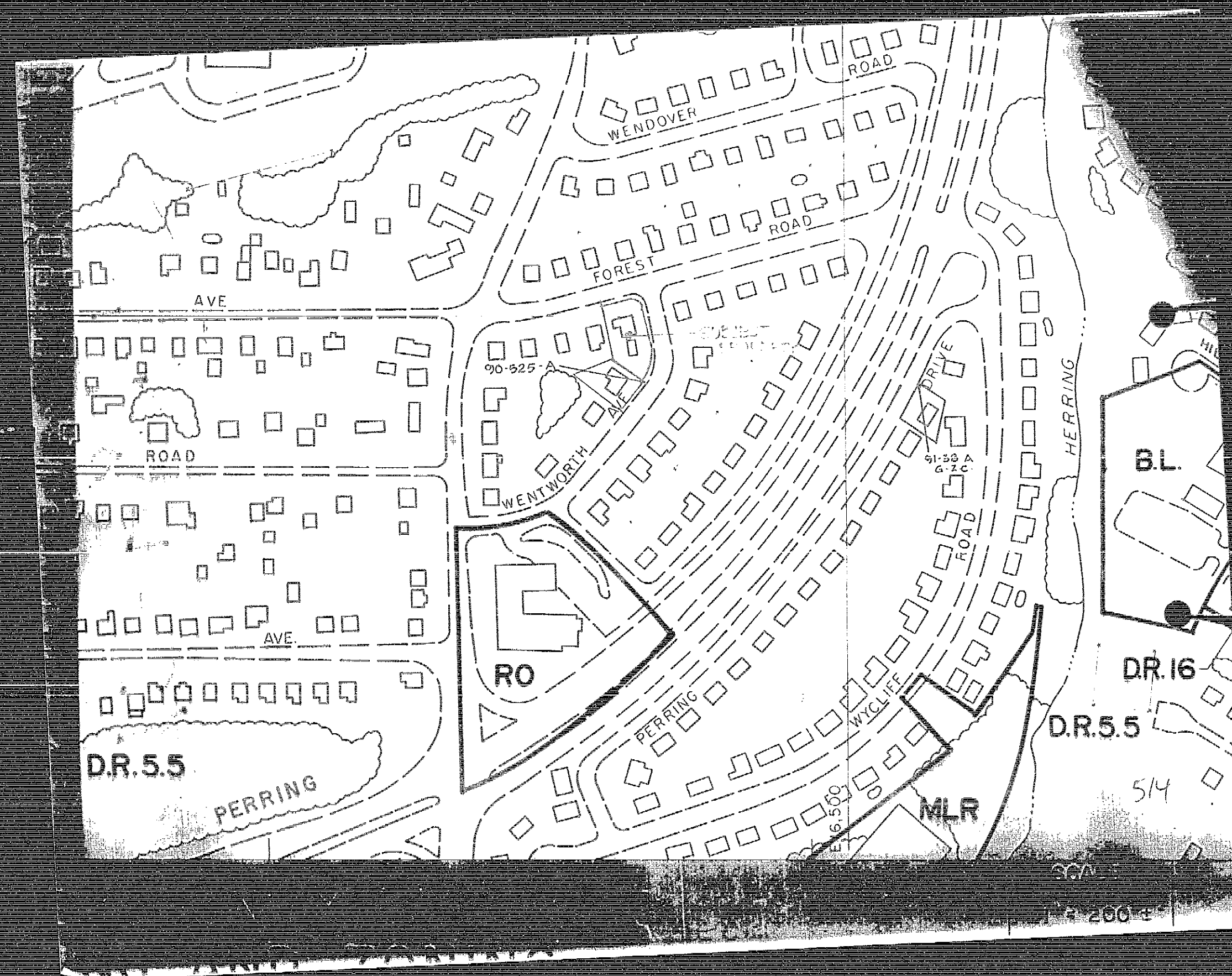
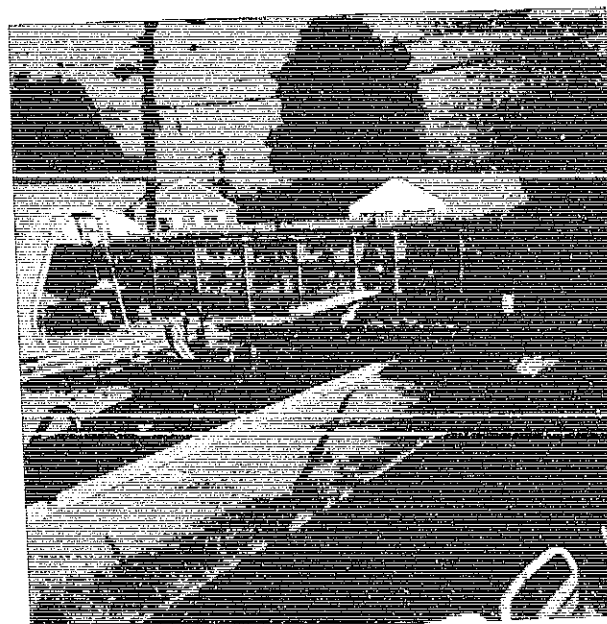
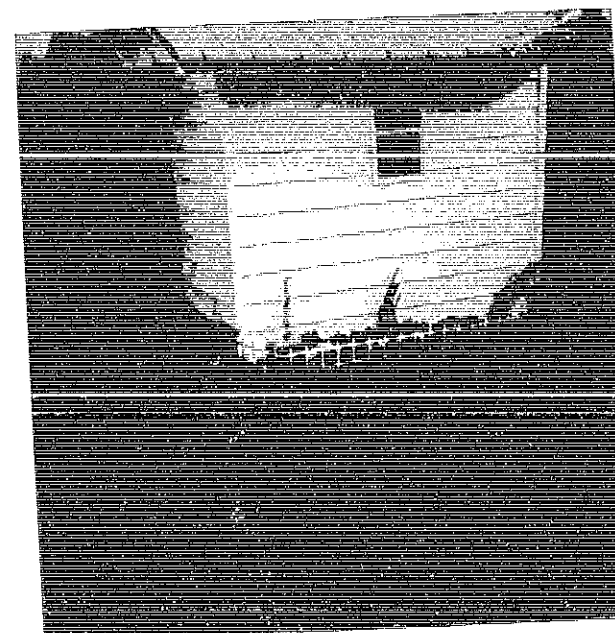
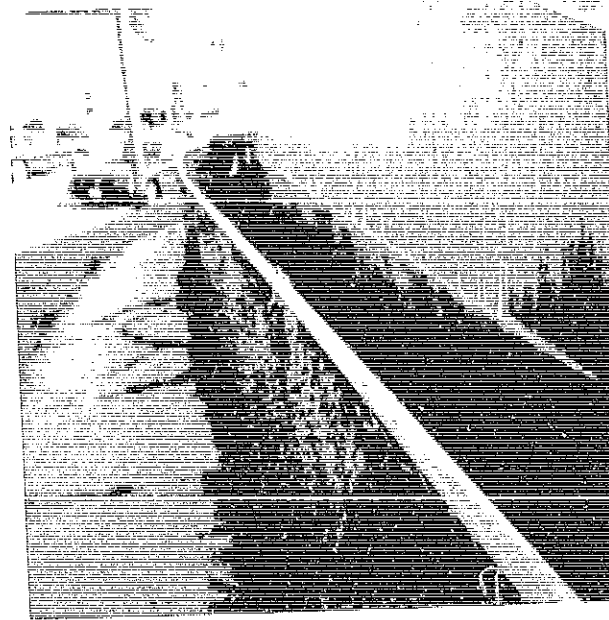
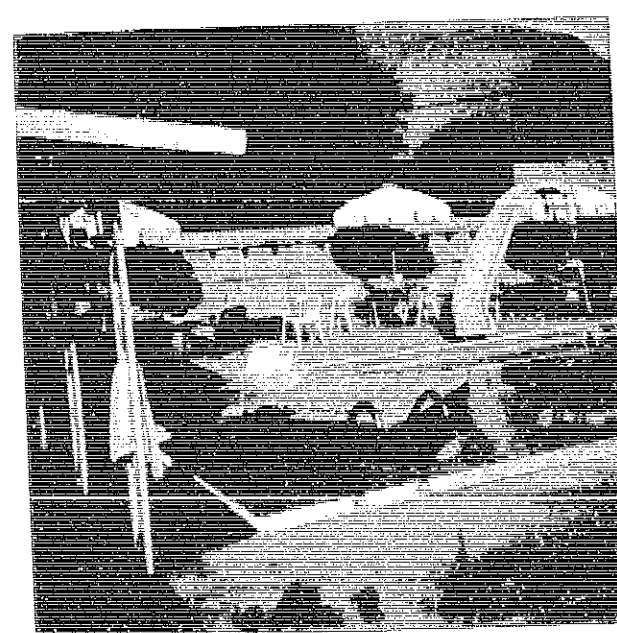
92-489-A

514



92-489-A

514



IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
5/5 Forrest Road, SMC Wentworth
Road
1809 Forrest Road
9th Election District
6th Councilmanic District
Rita M. Raab
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-489-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Rita M. Raab for that property known as 1809 Forrest Road in the Harford Park Subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 ft., in lieu of the required 25 ft.; from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) in the side yard, in lieu of the rear yard; and from Section III.C.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow a 6 ft. privacy fence on a corner, in lieu of the required 42 inches. All of the requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

As indicated above, this matter comes before me as a Petitioner for Administrative Variance which does not mandate a public hearing. The Petitioner has filed the supporting affidavits and information as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property has been posted, and there has been no request for a public hearing.

Additionally, the Zoning Office staff has provided me with information relative to the site and the surrounding properties. This information has enabled me to clearly understand the nature of the requested relief and issue a decision without the necessity of a public hearing.

Further, it is noted that a letter has been received from John Leyhe, who resides next door at 1812 Wentworth Road. Mr. Leyhe's letter indicates that he does not write in opposition to the Petition. For all of these reasons, a decision shall be rendered based upon the documentation presented and without the necessity of a public hearing.

According to the information presented, the subject site is 6,608 sq. ft. in area and is zoned D.R.5.5. The property is improved by an existing dwelling, pool and shed. The configuration of the lot is unusual in that it is situated at the corner of the intersection of Forrest Road and Wentworth Road. Although the property bears a Forrest Road address, the house actually fronts Wentworth Road. This unusual orientation of the house requires the Petitioner to seek the front yard setback variance and the variance to permit a pool in the side yard. That is, if the house faced Forrest Road, the pool would be located in the rear yard, as required, and a sufficient setback distance would exist. Clearly, based on this unusual configuration of the lot, the Petitioner has met its burden as required by Section 307 of the B.C.Z.R. and the granting of the variance is justified.

As to the fence, it is located adjacent to the pool and separates that area from Mr. Leyhe's property. The Petitioner requests that an increased height to 6 ft. be permitted in order to promote safety concerns. These concerns are legitimate and convince me that the extra height variance for the fence should also be granted.

Further, an additional comment is in order regarding the concerns expressed in Mr. Leyhe's letter. The method of construction of the fence and the adjacent sidewalk are not issues before me and I do not have the authority to address those concerns within this Order. However, I can and

-2-

will require that the fence be constructed in accordance with the building code. In fact, I shall incorporate as a restriction, in my Order granting this variance, that the Zoning Advisory Committee comment issued by the Developers Engineering Division require that certain specifications be met as they apply to the fence's construction. A copy of that comment and the specification shall be attached hereto and incorporated within this Order.

Further, I note the Zoning Advisory Committee comment from the Bureau of Traffic Engineering. That comment states that "the proposed fence needs to be located so as not to obstruct vision." Although that comment is not specific, it is no doubt intended to prevent impairment of vehicular traffic at this intersection. Pursuant to my review of the site plan, photographs, etc., I am convinced that the fence at the proposed location will not interfere with traffic.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts to supply a finding that the Petitioner has complied with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1992 that the Petition for a Zoning Variance from Section 1802.3.B of the Baltimore County Zoning Regulations

-3-

(B.C.Z.R.) to permit a front yard setback of 17 ft., in lieu of the required 25 ft., be and is hereby GRANTED; and,

IT IS HEREBY ORDERED that a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) in the side yard, in lieu of the rear yard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section III.C.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow a 6 ft. privacy fence on a corner, in lieu of the required 42 inches, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC) from Developers Engineering Division, dated July 6, 1992, which are adopted in their entirety and made a part of this Order.

LES:mmn

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 29, 1992

Mrs. Rita M. Raab
1809 Forrest Road
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 92-489-A
Rita M. Raab, Petitioner

Dear Mrs. Raab:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Mr. John E. Leyhe
1812 Wentworth Road
Baltimore, Md. 21234
cc: Zoning Enforcement Office
County Office Building, Room 109

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.B of the Baltimore County Zoning Regulations for the following reasons: (please include or point to affidavits)

1. House was built to front Wentworth Road instead of Forrest Road.
2. Inground pool was constructed in 1973 under permit #50654 R.S.
3. Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

Property is to be advertised under posted as provided by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Continued Petitioner

Type or print name

Address

City

State

Zip

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Legal Owner(s)

Type or print name

Address

City

State

Zip

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe and swear to the truth thereof in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at

1809 FORREST RD

BALTO MD 21234

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (please include or point to affidavits)

House was built to front Wentworth Road instead of Forrest Road.

Inground pool was constructed in 1973 under permit number 50654 R.S.

Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

That the Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

I, the Affiant(s), do(es) hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

1802.3.B (1945 B.C.Z.R. amended through March 30, 1955 - approved plat September 4, 1953)

Section III.C.3 To allow a front yard setback of 17 ft in lieu of the required 25 ft.

Section I.1 To allow a pool in the side yard in lieu of the rear yard.

Section III.C.7 To allow a 6 ft. high privacy fence on a corner lot in lieu of the required 42 inches.

HARDSHIPS:

1. House was built to front Wentworth Road instead of Forrest Road.
2. Inground pool was constructed in 1973 under permit number 50654 R.S.
3. Extra height on fence, above the 4 ft. minimum requirement is for extra safety.

j:aw

ORDER RECEIVED FOR FILING
Date 8/1/92
By Mr. D. D. D.

514

6709-92
7/1/92
8

Department of Recreation and Parks
Development Review Committee Response
Author: [Signature]
Date: 7/6/92

Project Name: Rita M. and Edward R. Raab, Sr.
File Number: 514
Zoning Issue: No Comment
Meeting Date: 6-24-92

DED DEPRM RE SITE
Jettie J. and Deanna L. Deegan
523
No Comment

DED DEPRM RE SITE
Charles M. and Virginia H. Logan
524
No Comment

DED DEPRM RE SITE
Hoschelt and Ruth Folsom
525
No Comment

DED DEPRM RE SITE
Franklin D. and Patricia M. Mull
526
No Comment

DED DEPRM RE SITE
RHS NORFOLK, INC.
527
No Comment

DED DEPRM RE SITE
Juanita L. Gottrell
529
No Comment

DED DEPRM RE SITE
The Middle River Baptist Church
530
No Comment

DED DEPRM RE SITE
Neville E. and Joann R. Olsen
531
No Comment

DED DEPRM RE SITE
Michael J. and Eugenia G. Zavodny
532
No Comment

DED DEPRM RE SITE
Baltimore County - Southwestern Bell Mobile Systems
533
No Comment

DED DEPRM RE SITE
533
No Comment

CONT 11

6700-92
7/1/92
8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: July 6, 1992

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
for July 6, 1992
Item 514

RE: The Developers Engineering Division has reviewed the subject zoning item. We recommend the use of the attached specifications for the fence.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:6
Encl.

RECEIVED
JUL 7 1992
ZONING OFFICE

ORDER RECEIVED FOR FILING
7/1/92
By [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
September 10, 1992

Mrs. Rita M. Raab
1809 Forrest Road
Baltimore, Maryland 21234

RE: CASE NO. 92-489-A
1809 FORREST ROAD
9TH ELECTION DISTRICT

Dear Mrs. Raab:

Enclosed is a copy of the Zoning Commissioner's Order of July 30, 1992. In addition, you will find a copy of the comments dated July 6, 1992 from the Developer's Engineering Division as to the "recommended" fence. After reviewing the Zoning Commissioner's Order, it is noted that you must comply with the comments submitted by that division (Restriction No. 2).

After carefully reading the entire Zoning Order, there is a comment by Zoning Commissioner Lawrence E. Schmidt, that he does not have the authority to address the method of construction of your fence in this "Order". But my reading of his decision does, in fact, impose such an action. Therefore, in order to totally resolve this difference, I have been instructed by Director Arnold Jablon that you should communicate in writing to Zoning Commissioner Lawrence E. Schmidt as to this issue.

Joseph Nolan, Assistant County Building Engineer, commented after we both reviewed the Zoning Commissioner's decision, that it is a zoning, not a building issue.

The Enforcement Division will withhold further action as to your property pending a reply from the Zoning Commissioner.

Sincerely,
James H. Thompson
Zoning Enforcement Coordinator

JHT:cer
Enclosure

cc: Joseph Nolan - Assistant Building Engineer
Inspector Timothy Pitts

92-489-A

ZONING ENFORCEMENT
Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner
June 10, 1992

FROM: James H. Thompson - TLF
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 514
PETITIONER: EDWARD R. RAAB

VIOLATION CASE: # C92-2238
LOCATION OF VIOLATION: 1809 FORREST ROAD
BALTIMORE, MARYLAND 21234

DEPENDANT: EDWARD R. RAAB
RITA M. RAAB

ADDRESS: SAME

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
JOHN LEVINE - 1812 WENTWORTH ROAD BALTIMORE, MARYLAND 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TF/cer

92-489-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
June 24, 1992
(410) 887-3353

Edward and Rita Raab
1809 Forrest Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 92-489-A
LOCATION: 5/5 Forrest Road, 9th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before July 5, 1992. The closing date is July 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

cc: John Levine

NOTED JUL 29, 1992 TO: MR. LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
BALTO. COUNTY

Page 1 of 2

DEAR SIR,

I AM WRITING YOU THIS LETTER IN RE-REFERENCE TO A ZONING NOTICE (CASE NO. 92-489-A) 1809 FORREST ROAD.

THIS IS NOT A LETTER FOR PETITION AGAINST, BUT WOULD LIKE TO HAVE A FEW THINGS FIXED DEALING WITH THE CASE.

I AM WORRIED ABOUT THE WAY THE FENCE STRUCTURE WAS INSTALLED AND THE SIDE WALK THAT WAS TORN UP WHEN THE ADDITION WAS ADDED ON TO THE POOL.

THE SIX FOOT FENCE THAT WAS INSTALLED IS ONLY SECURED BY SMALL CLAMPS AND SCREWS. I'M WORRIED THAT IF THE WIND PICKS UP OR WE HAVE A STORM AND AS HIGH AS THE STRUCTURE IS OFF THE GROUND, THAT THE FENCE PANELS WILL BLOW APART.

THE OTHER PROBLEM IS WHERE THE CONCRETE WAS TORN UP BY USING HEAVY EQUIPMENT THE OWNERS-SON USED TO PUT THE ADDITION ON TO THE POOL.

RECEIVED
JUL 29 1992
ZONING OFFICE

OVER

Page 2

THERE IS A BIG SECTION OF SIDE-WALK FACING MY STREET (WESTWORTH RD) THAT WAS TORN UP WHEN THE ADDITION WAS ADDED. I WOULD LIKE TO HAVE THE SIDEWALK FIXED SO NONE OF MY SONS GET HURT OR ANY BODY ELSE.

SINCE THE ADDITION HAS BEEN ADDED, MY SONS ARE OFF OF THEIR PROPERTY ONTO MY SIDE WALK WHENEVER IT RAINS OR THEIR POOL IS BACK WASHED.

I DO NOT WANT ANYONE GETTING HURT FROM THIS PROBLEM.

I WOULD APPRECIATE IF YOU CAN HELP ME SETTLE THIS MATTER IN A QUICK AND EFFICIENT MANNER SO NO ONE GETS INJURED OR ANY PROPERTY DAMAGE IS DONE.

THANK YOU,
JOHN LEVINE John Levine
1812 WENTWORTH RD.
BALTO. MD. 21234

P.S. (WILL YOU PLEASE KEEP ME INFORMED ON THIS PROBLEM).
THANK YOU AGAIN.

92-489-A

To: Hearing Officer
From: Larry Schmidt
Subject: Raab Property Item 514
Date: 6/19/92

- This property is subject of violation C-92-2238
- Pictures were not submitted, nor was aerial photo.
- Zoning staff assisted in drawing plat, per request of Arnold Jablon. Plat drawn up from measurements supplied by applicant
- Subject property also a subject of building code violation not yet assigned (See Nolan)
- Research revealed neighboring property 1812 Wentworth Rd was subject of hearing 90-525-A side yard setback of 5' or less 97', Rear yard 12' or less of 20' for a garage addition. Pictures in case file show situation well.
- Combining plats from both files (attached) shows angle of houses & streets more accurately than plat. Fences and front yard are highlighted.
- Attached is building permit B125727 for

92-489-A

92-489-A

APPLICATION FOR BUILDING PERMIT

PERMIT #: B125727 CONTROL #: MK DIST: 09 PREC: 06

LOCATION: 1812 WENTWORTH RD
SUBDIVISION: HARFORD PARK
TAX ASSESSMENT #: 0918472520

OWNERS INFORMATION
NAME: LEYHE, JOHN E. AND RONDA L.
ADDR: 1812 WENTWORTH RD, BALTIMORE, MARYLAND 21234

APPLICANT INFORMATION
NAME: JOHN LEYHE
COMPANY:
ADDR1: 1812 WENTWORTH RD
ADDR2: BALTIMORE, MARYLAND 21234
PHONE #: 882-9541 LICENSE #: 278

NOTES
DDP/JAB

TRACT: BLOCK:
PLANS: CONST 0 PLAT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
TENANT: OWNER
CONTR: OWNER
ENGR: SELCR
WORK: ERECT 6 FT WOODEN FENCE ON SIDE AND REAR OF PROPERTY (206LF) AND ERECT 42" WOODEN FENCE ON FRONT OF PROPERTY (22 LF). ANY FENCE ERECTED WITHIN AN EASEMENT, MUST BE REMOVED AT OWNERS EXPENSE, IF REQUIRED. CANNOT FENCE IN WALKWAY EASEMENTS. (228 LF)

PROPOSED USE: SPD AND FENCE
EXISTING USE: SPD
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 3,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - RESIDENTIAL
FOUNDATION: BASEMENT:
SEWER: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

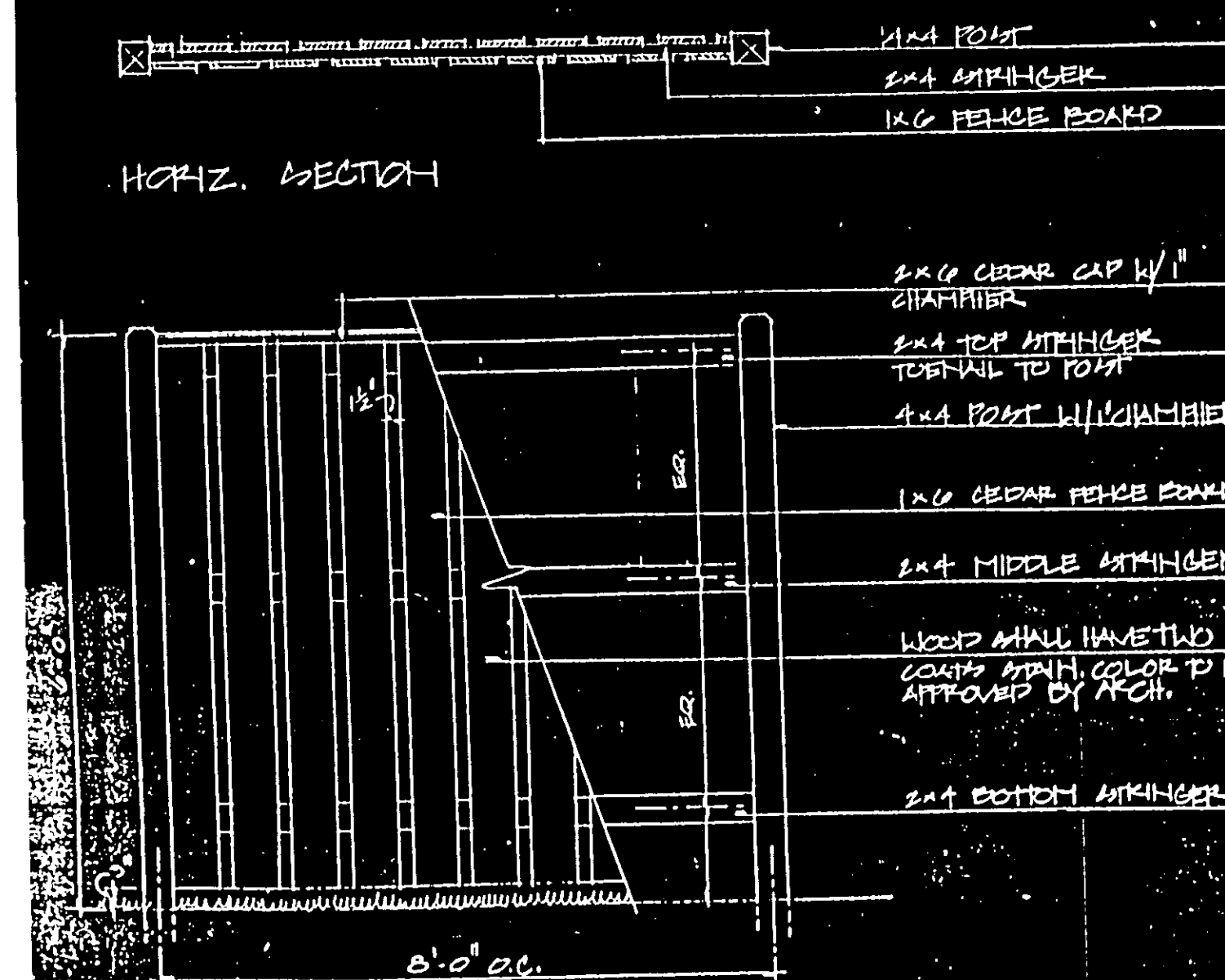
SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

INQ DATE 04/24/92 OFFICE OF ASSESSMENTS INQUIRY (1) TIME 11:33:29
PROPERTY NO. DIST GROUP CLASS OCC. AREA D-D-NO DEL F/M DATE
09-18-002220 09 2 PH3 04 HL 00000 10427A 11/09/89
RAAB EDWARD R PRIMARY DESC... D HARFORD PARK 92-489-A
RAAB RITA M SUPPLEMENTAL DESC...
01809 FORREST RD IMPRV ADDRESS 01809 FORREST RD SS
BALTIMORE MD 21234 NEAREST INTER...
STRUCTURE... X41-15---G STATE CODE..

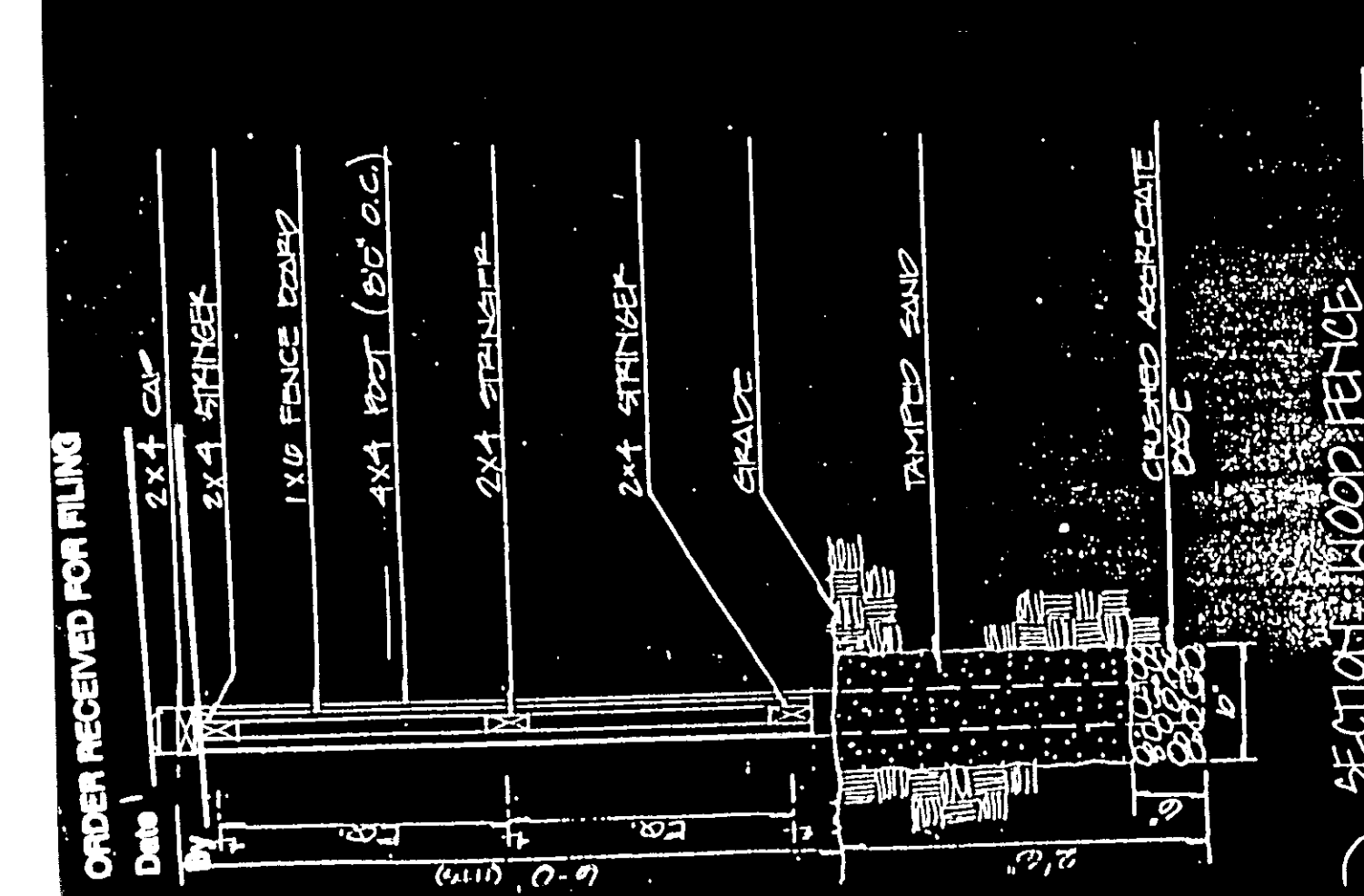
LOT... 0009	MAP... 080	FRONT... 55.71	TRANSFER DATE... / /
BLOCK... 00C	BLOCK... 06	BACK... 58.08	TRANSFER NO...
SECTION... 00125	PARCEL... 00125	SIDE1... 100.00	PURCHASE PRICE *****
PLAT... 00B	LIBER... 3443	SIDE2... 123.99	GROUND RENT... *****
BOOK... 19	FOLIO... 0382	FORMER OWNER...	
FOLIO... 044	CONST YR	SQ FT LOT...	6,216 (M)
FULL VALUE	LAND	IMPRV	PREF-LAND CURTILAGE
CURRENT	17,120	58,140	0
PROPOSED	26,100	73,570	0
*****BASIS****	YRMO	TAX LAND	TAX IMPRV
92/93 ASSESSMT	9111	0	39,860
91/92 ASSESSMT	9011	0	36,610
90/91 ASSESSMT	8909	0	34,080

EX LAND EX IMPRV BLIND
0 0 0
0 0 0
0 0 0

ITEM # 514



5 ELEVATION + PLAN - WOOD FENCE
NO SCALE



Plat to Accompany Petition for Zoning Variance #408
for 1812 Wentworth Road

Vicinity Map
Taylor Avenue
Forest Road
Wentworth Road
1812 WENTWORTH RD
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

Site - 8,308 sq ft
1.91 Ac
Is not within Chesapeake Bay Critical Area
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE BEING KNOWN & DESIGNATED AS LOT 10, BLOCK 1C, ON PLAT 15 HARFORD PARK, RECORDED IN BALTO. CO. IN PLAT BOOK 13/61.
Zoning map NE 8C
800 SCALE
REC. NO. 1730
App. by Planning Aug 4, 1993.

W. T. SADLER
Surveyors
507 MAIN STREET
REISTERSTOWN, MD.
21156

LOCATION SURVEY
1812 WENTWORTH ROAD
9th ELEC DIST, BALTO CO, MD.
4th Census DIST
SCALE 1"=20'
DATE 7-9-1996
APP. NO. 5-19476

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 1809 FORREST RD, 21234
SUBJECT: HARFORD PARK
SUBJECT: 1809 FORREST RD, 21234
OWNER: RITA RAAB
FENCE(S)
RAAB FRONT YARD
LEYHE FRONT YARD
FORREST RD (50' R/W)
WENTWORTH RD (50' R/W)
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

LOCATION INFORMATION
Commuter District: 6
Election District: 9
1"=200' scale map: NE 8C
Zoning: DR 5.5
Lot size: 10,608 square feet
Chesapeake Bay Critical Area: 10,608 square feet
Prior Zoning Hearings: 10,608 square feet

Zoning Office USE ONLY
reviewed by: ITEM 514
date: 6-9-92
prepared by: REG. 514

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 1809 FORREST RD, 21234
SUBJECT: HARFORD PARK
SUBJECT: 1809 FORREST RD, 21234
OWNER: RITA RAAB
FENCE(S)
RAAB FRONT YARD
LEYHE FRONT YARD
FORREST RD (50' R/W)
WENTWORTH RD (50' R/W)
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 33
LOT 34
LOT 35
LOT 36
LOT 37
LOT 38
LOT 39
LOT 40
LOT 41
LOT 42
LOT 43
LOT 44
LOT 45
LOT 46
LOT 47
LOT 48
LOT 49
LOT 50
LOT 51
LOT 52
LOT 53
LOT 54
LOT 55
LOT 56
LOT 57
LOT 58
LOT 59
LOT 60
LOT 61
LOT 62
LOT 63
LOT 64
LOT 65
LOT 66
LOT 67
LOT 68
LOT 69
LOT 70
LOT 71
LOT 72
LOT 73
LOT 74
LOT 75
LOT 76
LOT 77
LOT 78
LOT 79
LOT 80
LOT 81
LOT 82
LOT 83
LOT 84
LOT 85
LOT 86
LOT 87
LOT 88
LOT 89
LOT 90
LOT 91
LOT 92
LOT 93
LOT 94
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100

LOCATION INFORMATION
Commuter District: 6
Election District: 9
1"=200' scale map: NE 8C
Zoning: DR 5.5
Lot size: 10,608 square feet
Chesapeake Bay Critical Area: 10,608 square feet
Prior Zoning Hearings: 10,608 square feet

Zoning Office USE ONLY
reviewed by: ITEM 514
date: 6-9-92
prepared by: REG. 514